

**HIGH COURT OF UTTARANCHAL AT NAINITAL.**

**Writ Petition no. 1320 (S/S) 2005**

Smt. Shashi Bala W/o Sri Ravindra Mohan Pharasi,  
Assistant Teacher,  
Primary School, Nagal Hatnala,  
Block Raipur, Dehradun. ----Petitioner.

Vs.

1. State of Uttaranchal through Secretary,  
Education, Civil Secretariat,  
Uttaranchal, Dehradun,
2. District Education Officer,  
Dehradun,
3. Head Mistress,  
Primary School, Nagal Hatnala,  
Block Raipur, Dehradun. ----Respondents.

Sri Lokendra Dobhal, learned counsel for the petitioner.  
Learned Standing Counsel for the respondents.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Lokendra Dobhal, learned counsel for the petitioner and learned Standing Counsel for the State who accepts notices for the respondents.

The petitioner, who is Assistant Teacher in Primary School, has challenged the orders dated 30.06.2005 and 03.08.2005 passed by the District Education Officer, Dehradun.

Submission of the petitioner is that she is working as Assistant Teacher at Primary School, Nagal Hatnala, Raipur district Dehradun. Vide order dated 30.06.2005, the petitioner was transferred from the present place of posting to Primary School, Kanbuwa (Kalsi) district Dehradun and vided order dated 03.08.2005, the transfer order dated 30.06.2005 was modified by the respondent no. 2 by which the petitioner has been transferred from Primary School, Nagal Hatnala to Primary School, Badhwala, Block Vikasnagar, Dehradun.

Counsel for the petitioner has contended that the petitioner is suffering from Psychotic problem and she is a heart patient. Basically there are no medical facilities available at the new place of her posting and, in case, she is compelled to join there she will have to face difficulties due to scarcity of medical facilities. Prior to these transfers, the petitioner has been promoted twice but she did not join to the promotional post on account of her ailments. The petitioner had already made representation to the District Education Officer, Dehradun which is still pending before him.

The petitioner has further submitted that no one has been posted at the place from where she has been transferred and she has yet not been relieved from the Institution.

Keeping in view the above facts, I find it just and proper to direct the respondent no. 2 i.e. the District Education Officer, Dehradun to decide the representation of the petitioner.

Accordingly, the District Education Officer, Dehradun is directed to decide the representation of the petitioner dated 18<sup>th</sup> August 2005, which is annexure no. 4 to the writ petition, within a period of three weeks from the date of production of a certified copy of this order and till the decision is taken on the representation, the petitioner shall not be relieved from her present place of posting, provided she has yet not been relieved.

The petitioner is directed to submit a certified copy of this order to the District Education Officer, Dehradun within 10 days from today.

The writ petition is disposed of accordingly.

**(M.M. Ghildiyal, J.)**

September 9, 2005:

NCM: